FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2298 OF 2005

Office notes, office Memoranda of Coram, appearances, Court's orders or directions & Registrar's orders.	Court's or Judge's Orders

Mr. K. J. Reddy for petitioner

Mr. Y.S. Shinde, APP for R-1

Mr. V. Mannadiar for R-3.

CORAM: SMT. RANJANA DESAI &
ANOOP V. MOHTA, **JJ.**
DATED: 18/10/2005

P.C.:-

The petitioner has filed this petition praying that F.I.R. bearing No.480 dated November 8, 2002 lodged by the Inspector of Police, General Branch, Crime Branch, CID, Mumbai at the instance of respondent 3 be quashed because the parties have settled the matter amicably.

2. The F.I.R. was lodged under Section 406, 420, 465, 467, 468, 471, 120 (b) of the Indian Penal Code. The petitioner was the sole accused in the

said complaint.

3. We have heard the learned counsel appearing for the petitioner as well as learned counsel appearing for respondent 3, the complainant and the learned APP, who represents the State.

4. The learned counsel for the petitioner and learned counsel the respondent 3 confirm that the parties have settled the dispute amicably. The learned counsel for respondent 3 states that the petitioner has paid the loan amount which was given by respondent 3 to the petitioner.

5. The learned counsel for the petitioner submits that in view of this, this court should quash the proceedings. He has drawn our attention to the judgment of the Supreme Court in B. S. Joshi & Ors. v. State of Haryana & Anr., (2003) 4 S C C 675, where the Supreme Court was considering a case where the offences were committed under Sections 498-A,

323 and 406. The offences were non-compoundable. there was a settlement between the parties. In view of the settlement the Supreme Court has held that the High Court in exercise of its inherent jurisdiction can quash criminal proceedings or F.I.R. or complaint and Section 320 of the Code does not limit or affect the powers under Section 482 of the Code. The pending F.I.R. was quashed by the Supreme Court.

6. In view of this we find no difficulty in quashing the instant F.I.R. as we find that the prosecution has become a lame prosecution. Hence the following order:

a) F.I.R. bearing No. 480 dated November 8, 2002 lodged by Inspector of Police, General Branch, Crime Branch, CID, Mumbai at the instance of respondent 3 is quashed.

b) Petition is disposed of in the aforestated terms.

.....